

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
PRABHU RAMAMOORTHY,
Defendant.

2:18-CR-20027-TGB-MKM

**ORDER DENYING
CERTIFICATE OF
APPEALABILITY**

On April 26, 2022, the Court entered an order denying Prabhu Ramamoorthy's Motion for Habeas Relief under 28 U.S.C. § 2255. ECF No. 121. The order did not include a determination on whether a certificate of appealability would issue. Ramamoorthy has filed a notice of appeal from that order. ECF No. 122. Before he may appeal, however, he needs a certificate of appealability. Fed. R. App. P. 22(b)(1); *In re Certificates of Appealability*, 106 F.3d 1306 (6th Cir. 1997).

Section 102 of the Anti-Terrorism and Effective Death Penalty Act provides that a certificate of appealability may be issued only upon a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A “substantial showing” is “a demonstration that ... includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to

proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000) (internal quotations omitted).

In his § 2255 motion, Ramamoorthy asserted that his trial counsel was ineffective on three grounds: (1) for failing to advise him on the desirability of pleading guilty; (2) for failing to advance certain arguments regarding the victim (namely, to attack her character through evidence that she was an exotic dancer); and (3) for failing to discuss his potential sentencing exposure with him. As the Court’s order explained, Ramamoorthy’s claims about plea advice and sentencing exposure hinged on credibility determinations, which the Court resolved against him after an evidentiary hearing. As to his remaining claim, regarding his attorney’s failure to attack the victim’s character, the Court concluded that the attorney made a reasonable professional choice not to attempt the strategy Ramamoorthy proposed.

Ramamoorthy has not made a substantial showing of the denial of a constitutional right. Accordingly, the Court **DENIES** a certificate of appealability as to all issues.

SO ORDERED this 18th day of October, 2022.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge